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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,134	04/01/2004	Pascal Viger	01807.101370.	8105
5514 7590 02/18/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
SHAW, PELING ANDY				
ART UNIT		PAPER NUMBER		
2444				
MAIL DATE		DELIVERY MODE		
02/18/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/814,134

**Applicant(s)**

VIGER ET AL.

**Examiner**

PELING A. SHAW

**Art Unit**

2444

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/19/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 5-12, 15-21 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5-12, 15-21 and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/19/2009 has been entered. Claims 1, 10, 12, 15-21 and 25-26 are amended. Claims 2-3 and 13-14 are cancelled. Claims 1, 5-12, 15-21 and 24-26 are currently pending.
2. Amendment received on 05/01/2009 was entered into record. Amendment to the specification was reviewed and accepted. Claims 1, 10, 12, 20 and 24 were amended. Claims 4, 22-23 were cancelled. Claims 25-26 were new.

***Priority***

3. This application has claimed a priority on France 0304363 filed on 04/08/2003. The filing date is 04/01/2004.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-12, 15-21 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gut et al. (US 7006099 B2), hereinafter referred as Gut in view of XIAO, ET AL., "On Reliable And Scalable Peer-to-Peer Web Document Sharing," hereinafter referred as XIAO.

- a. Gut shows (claim 1) a method of access to a digital document in a communication network of the peer-to-peer type (in light of paragraphs 6-9 of applicant's published specification; column 1, lines 24-36: information shared among computers supporting web-based and other networked applications), said method being implemented in a peer device (Fig. 1, column 2, lines 29-55: a regenerative cache system includes a interface, logic element, memory and processor, request JPEG 2000 image, request document) and comprising the following steps: selecting a first data item in a digital document, the digital document comprising at least first and second data items (column 2, lines 21-28: anticipated requested objects; column 4, line 47-column 5, line 17: a object contains an object tag providing information related to the object and an object payload containing additional information related to the object, e.g. XML, CGM, FTTS, GIF, RIFF, JPEG); verifying the presence of at least one address of a location containing the second data item of the digital document in storage means of

the peer device (column 2, lines 21-43: determine if an anticipated requested object is missing from the cache; column 4, lines 47-51: objects stored are individually addressable by memory location, filename, virtual address map or address loop-up); in the absence of the address in the storage means of the peer device, seeking one address of location containing the second data item among a local address on said peer device (column 4, lines 47-51: objects stored are individually addressable by memory location, filename) and a distant address on a distant peer device (column 4, lines 47-51: virtual address map or address loop-up, objects stored are individually addressable by address loop-up; column 5, line 44-column 6, line 5: object obtained and cached in anticipation from external request, retrieved from one or more remote storage device); in the event of at least one address is obtained during the seeking step, storing in the storage means of the peer device the at least one address obtained during the seeking step (column 5, line 44-column 6, line 5: directory, address map); and upon reception of a subsequent request to access the second data item, download the second data of the document from one address thus stored (column 5, line 44-column 6, line 5: object from cache memory, or obtained and cached in anticipation from external request, retrieved from one or more remote storage device). Gut does not explicitly show seeking in the peer-to-peer network at least one address. However, Gut does show (column 1, lines 52-67) retrieving from a remotely located storage device, such as a web server.

- b. XIAO shows (Abstract) a peer-to-peer Web document sharing with local browser caches, a proxy cache, a capability to search and find in another client's browser

cache before sending a further search request to an upper level proxy or a web server in an analogous art for the purpose of Reliable and Scalable Peer-to-Peer Web Document Sharing.

- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Gut's functions of generating uncached objects from cached and stored object components with XIAO's functions of sharing documents with a local cache, a proxy cache, searching and finding document in another client's cache.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to explicitly specify searching and finding documents in another client's cache as per XIAO's teaching in the general art of identifying and sharing documents among computers over a network with caching functions as per XIAO (1<sup>st</sup> paragraph in Introduction) and Gut (column 2, lines 3-20)'s teaching.
- e. Regarding claim 5, Gut shows wherein the first and second data item are of the same resolution (column 11, line 56-column 12, line 3: entire full-sized, full-color, full-resolution).
- f. Regarding claim 6, Gut shows wherein the digital document is a collection comprising a list of objects (column 11, lines 6-29: one or more tiles).
- g. Regarding claim 7, Gut shows wherein the first and second data items are of different resolutions (column 11, line 56-column 12, line 3: subset of JPEG 2000 image, larger image, grayscale of color image, thumbnail, reduced-quality image).

- h. Regarding claim 8, Gut shows wherein the resolution of the first data item is less than that of the second data item (column 5, line 44-column 6, line 29: increasing resolution; column 11, line 56-column 12, line 3: subset of JPEG 2000 image, larger image, grayscale of color image, thumbnail, reduced-quality image).
- i. Regarding claim 9, Gut shows wherein the digital document comprises more than two different resolutions (column 11, line 56-column 12, line 3: subset of JPEG 2000 image, larger image, grayscale of color image, thumbnail, reduced-quality image).
- j. Regarding claim 10, Gut shows further comprising the following steps: determining the first data item consisting in a current resolution of the digital document available at the device (column 12, lines 37-51: cache first JPEG 2000 object ); verifying the presence of at least one second address of a location containing the second data item consisting a higher resolution of the digital document in the storage means of the peer device (column 12, line 52-column 13, line 3: request full-resolution from thumbnail); in the absence of the address in the storage means, performing the step of seeking and the step of storing (column 4, lines 47-51: objects stored are individually addressable by address loop-up); in the case of a positive search, storing the address obtained through the seeking step in the storage means of the peer device; and (column 5, line 44-column 6, line 5: directory, address map); and upon receiving a subsequent request to access the higher resolution of the document, accessing the higher resolution of the document from the address thus stored (column 5, line 44-column 6, line 5: object from cache memory, or obtained and cached in anticipation from external request, retrieved from one or more remote storage device).

- k. Regarding claim 11, Gut shows wherein the digital document belongs to the group consisting of fixed images or photographs, video sequences, and computer files of office application (column 4, line 47-column 5, line 17: a object contains an object tag providing information related to the object and an object payload containing additional information related to the object, e.g. XML, CGM, FTTS, GIF, RIFF, JPEG).
- l. Claims 12 and 15-21 are of the same scope as claims 1 and 5-11. These are rejected for the same reasons as for claims 12-22.
- m. Claim 24 is of the same scope as claim 1. It is rejected for the same reasons as for claim 1.
- n. Regarding claim 25, Gut shows wherein, when accessing the second data item of the document from one address thus stored, in the case of incomplete access, trying another address obtained through the seeking step and stored in the storage means of the device (column 6, lines 55-67: components are used and combined to form the requested object and the original components no longer stored). XIAO shows (last paragraph section 2, i.e. Browsers-Aware Proxy Server) attempting search in a browser cache, a proxy cache server and a browser index file for a object,
- o. Regarding claim 26, Gut shows wherein, when no other address is available for trying another address obtained through the seeking step and stored in the storage means of the device, again seeking a location of the second data item in the network (Fig. 5, column 7, lines 1-37: determining missing components and retrieving missing components). XIAO shows (last paragraph section 2, i.e. Browsers-Aware Proxy



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Server) attempting search in a browser cache, a proxy cache server and a browser index file for a object.

Together Gut and XIAO disclosed all limitations of claims 1, 5-12, 15-21 and 24-26. Claims 1, 5-12, 15-21 and 24-26 are rejected under 35 U.S.C. 103(a).

***Response to Arguments***

2. Applicant's arguments filed on 11/19/2009 have been fully considered, but they are not persuasive.
  - a. Applicant argues that Gut does disclose the limitations of "seeking in the peer-to-peer network at least one address" and "downloading the second data item of the document from one address" (see last paragraph on page 8 through 3<sup>rd</sup> paragraph on page 9 of current amendment). Examiner has reviewed claim rejections and applied prior art, i.e. Gut as per Office Action mailed on 08/19/2009. Examiner has searched and found that Xiao per Applicant's IDS has the limitations. Xiao has disclosed (Abstract) search in a local cache, a proxy cache, a capability to search and find in another client's browser cache before sending a further search request to an upper level proxy or a web server; and (section 2) various search request misses and further search requests among above mentioned cache entities. Gut has disclosed (column 5, line 44-column 6, line 5) object from cache memory, or obtained and cached in anticipation from external request, retrieved from one or more remote storage device. Together Gut and Xiao have applicant's amended and argued limitations.

***Remarks***

3. The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.

- a. Blumberg (US 6886034 B2) Method and system for viewing scalable documents
- b. Ko et al. (US 7343555 B2) System and method for delivery of documents over a computer network
- c. Deshpande et al. (US 7260614 B2) Methods and systems for scalable streaming of images with client-side control

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Peling A Shaw/  
Examiner, Art Unit 2444